

the biosimilar manufacturer to go to what is known as the "Purple Book" at the FDA, take a look at the drug it wishes to compete with, and learn what existing patents are there, how long they are going to be in effect, and plan accordingly.

America's system of protecting innovation has provided our citizens with tremendous benefits, especially in the area of pharmaceuticals. Of that there can be no doubt. We must provide pharmaceutical manufacturers with the ability to recoup their investments, but at the same time, we cannot be blind to the costs of these drugs, nor to cases where patent laws are manipulated to preserve monopolies and prevent lower cost, equivalent drugs from coming to market. Passing the Biologic Patent Transparency Act is a major step we can take to put a stop to the patent-gaming that blocks consumers from accessing lower cost drugs. I encourage my colleagues to support this crucial legislation.

Thank you.

I yield the floor.

Seeing no one seeking recognition, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. BOOZMAN). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. INHOFE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CLOTURE MOTION

The PRESIDING OFFICER. Pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The bill clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the nomination of Paul B. Matey, of New Jersey, to be United States Circuit Judge for the Third Circuit.

Mitch McConnell, David Perdue, Roy Blunt, John Cornyn, Joni Ernst, Lindsey Graham, John Boozman, Mike Rounds, Thom Tillis, Steve Daines, James E. Risch, John Hoeven, Mike Crapo, Shelley Moore Capito, John Thune, Pat Roberts, Jerry Moran.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the nomination of Paul B. Matey, of New Jersey, to be United States Circuit Judge for the Third Circuit, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. THUNE. The following Senators are necessarily absent: the Senator from South Carolina (Mr. GRAHAM), the Senator from Alaska (Ms. MURKOWSKI), and the Senator from Georgia (Mr. PERDUE).

Further, if present and voting, the Senator from Georgia (Mr. PERDUE) would have voted "yea."

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. MANCHIN), the Senator from Washington (Mrs. MURRAY), and the Senator from Vermont (Mr. SANDERS) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 50, nays 44, as follows:

[Rollcall Vote No. 41 Ex.]

YEAS—50

Alexander	Ernst	Portman
Barrasso	Fischer	Risch
Blackburn	Gardner	Roberts
Blunt	Grassley	Romney
Boozman	Hawley	Rounds
Braun	Hoeven	Rubio
Burr	Hyde-Smith	Sasse
Capito	Inhofe	Scott (FL)
Cassidy	Isakson	Scott (SC)
Collins	Johnson	Shelby
Cornyn	Kennedy	Sullivan
Cotton	Lankford	Thune
Cramer	Lee	Tillis
Crapo	McConnell	Toomey
Cruz	McSally	Wicker
Daines	Moran	Young
Enzi	Paul	

NAYS—44

Baldwin	Harris	Rosen
Bennet	Hassan	Schatz
Blumenthal	Heinrich	Schumer
Booker	Hirono	Shaheen
Brown	Jones	Sinema
Cantwell	Kaine	Smith
Cardin	King	Stabenow
Carper	Klobuchar	Tester
Casey	Leahy	Udall
Cooms	Markey	Van Hollen
Cortez Masto	Menendez	Warner
Duckworth	Merkley	Warren
Durbin	Murphy	Whitehouse
Feinstein	Peters	Wyden
Gillibrand	Reed	

NOT VOTING—6

Graham	Murkowski	Perdue
Manchin	Murray	Sanders

The PRESIDING OFFICER. On this vote, the yeas are 50, the nays are 44.

The motion is agreed to.

The Senator from Georgia is recognized.

Mr. ISAKSON. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRIBUTE TO DICK WILLIAMS

Mr. ISAKSON. Mr. President, I will be very brief for the Senator from Delaware so I am not taking up too much time.

I am here to do something very special. One of the great things we get to do is to pay tribute to people who do great things in our State. We don't brag about journalists as much as we should. They think we are saying bad things about them, but they are great. They make the country better. The fact that we have an accountable media makes us all great. There are superstars within the media who deserve acknowledgment, particularly when they retire from the job. In Georgia, that has been the case.

Dick Williams, in Atlanta, GA, announced on Sunday that after 53 years

in print, television, and radio journalism, he is going to retire. Dick has covered me over many years. He has been known as a conservative columnist, but he has gone after me as many times as he has been for me. He plays it straight down the middle unless it has to do with basketball—and he loves basketball. He has been chosen to referee in the conference championship for the State's high schools and has been a great sportsman for Georgetown University, for which he recruits athletes. He himself went to Georgetown.

Rebecca, his wife, was in the Georgia House as a reporter when I was in the Georgia House years ago. She is a talented house person who went on to ABC. She and Dick got married, and they have two children. They live in Brookhaven, GA, which is a new city that was created by the Georgia Legislature to allow independence for a lot of our cities that had been trapped inside the metro area.

His wife has been a reporter of journalism, and Dick has been a reporter of journalism. Then Dick bought the Dunwoody Crier. The Dunwoody Crier is one of those weekly publications—neighborhood newspapers—that everybody loves because it has their kids' pictures in it, because you can get a story about your wedding in there, and because Dick also writes in there some poignant columns that one would never read anywhere else.

When he wrote for the Atlanta Journal-Constitution, he wrote for a newspaper that was owned by Eugene Patterson, by Ralph McGill, and by many talented writers. He was in the same category of spokesman and writer as those two gentlemen, who were giants, with McGill's having won a Pulitzer Prize.

Dick is one of the most favorite people I have ever known who reported on politics because he was always doing it for the right reasons. There are projects that have happened in our State today because Dick Williams took the power of the press not to trash something but to build up the facts that allowed it to pass. A lot of times, that doesn't happen, but when Dick saw a good deal, he would go for it, and when he saw a bad deal, he would go for it. Either way, you could take his word for it all the time because he was what is known in the profession as a straight shooter.

Dick Williams is a very special individual to me and my family. He did 1,700 shows called "The Georgia Gang." Every Sunday, at 8:30 in the morning, for 30 minutes, every politician in Georgia watches channel 5 in Atlanta because that is "The Georgia Gang." If you make it by that, your week is going to be pretty good because they haven't skewered you for something stupid that you did, but if you don't make it by that, you are going to have a tough week.

Dick Williams is the kind of journalist all of us love—accurate, articulate, smart, and caring about what he

does and the effect it may have. It is a real pleasure for me to stand on the floor of the U.S. Senate and say, Dick, thank you for the 1,700 great 30-minute shows you have done in your past. Thank you for all of the straight calls you made on the basketball court. Thank you for marrying Rebecca, who is a wonderful woman. Thank you for welcoming Lori Geary as your replacement every Sunday morning at 8:30. I now know, when I get up on Sundays, I will be going to church not with Dick Williams but with Lori Geary.

God bless you, Dick. Thanks for your contribution to Georgia.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey.

NOMINATION OF PAUL B. MATEY

Mr. MENENDEZ. Mr. President, I rise today having just voted no on the motion invoking cloture on Paul Matey's nomination to the U.S. Court of Appeals for the Third Circuit.

Now, I know speeches on procedure rarely make headlines, but I cannot be silent as the majority shreds long-held norms for political gain. Once again, the Republican majority has ignored the blue-slip process that allows Senators to either green light or prevent hearings on judicial nominees from their home States.

Some Americans may wonder, why does this matter? Well, the blue-slip process gives the people a voice through their elected representatives on who ultimately renders justice in their State. Neither Senator BOOKER nor I have returned blue slips for Mr. Matey. In fact, Mr. Matey's confirmation hearing took place before Senator BOOKER—our State's voice on the Judiciary Committee—was even extended the common courtesy of meeting with Mr. Matey. It wasn't for lack of trying. Senator BOOKER requested time with Mr. Matey, but when he didn't receive it, the Judiciary Committee proceeded anyway.

To add insult to injury, committee Republicans falsely claimed the White House had meaningfully consulted with myself and Senator BOOKER, the home State Senators, and that is simply not the case. There never was meaningful consultation between the White House and Senator BOOKER or me to identify a highly qualified consensus nominee—rather, we were informed about the decision to nominate Mr. Matey—nor did I receive any offer to meet with Mr. Matey, not before his nomination, not after his nomination, not even to date as we are voting on the Senate floor.

Look, I have come to expect this behavior from the Trump White House, but in the Senate, Democrats always—always—respected the blue-slip process during our time in the majority. That is undeniable.

Before President Trump took office, only five judges in the past century were confirmed with only one blue slip, much less no blue slips. Never has a Democratic-led Senate ever held a hearing or confirmed a judicial nomi-

nee without a blue slip from a Republican Senator. It is shameful.

As long as the President keeps packing our courts with corporate-friendly Federalist Society judges, the Republican majority is willing to destroy a process that Senator Orrin Hatch—former chairman of the Judiciary Committee—once called “the last remaining check on the President's judicial appointment power.”

President Trump's nominees are now being confirmed at record speed, despite objections from home State Senators.

My Republican friends claim to be the party of conservatism. Yet there is nothing conservative about sweeping aside century-old norms for political gain. They have put their party before country and show no fidelity to the institutions that have made this country great.

Aside from the degradation of Senate norms surrounding Mr. Matey's nomination, I have real concerns with his record. The people of New Jersey have no appetite for a judge who served in Gov. Chris Christie's administration and was once even called a protege of our esteemed former Governor.

As deputy chief counsel for Governor Christie, Mr. Matey said he tried to ensure that that administration followed “the highest standards of propriety, ethics, and legality.”

Somehow I question that. Consider what the people of New Jersey had to go through during Governor Christie's tenure: the Bridgegate scandal, the defunding of a Rutgers institute that was run by a Federal nominee, the spiteful removal of a security detail from former Governor Codey, and the rampant mismanagement of Superstorm Sandy relief contracts, which forced too many families to live in trailers for years on end. That is quite a list—quite a list.

I struggle to believe that Mr. Matey, the second most senior attorney in the Christie administration, had no knowledge of this behavior.

During his confirmation hearing, Mr. Matey could not detail any of the steps he took to ensure ethics rules were followed and declined to offer any description of his supposed “rigorous system” of monitoring and oversight at his confirmation hearing.

Apparently, Mr. Matey's system wasn't so rigorous, considering that Bridgegate—for those of my colleagues who may not know, although I think everybody knows, is when the operatives of the Christie administration closed access to the George Washington Bridge from the New Jersey side, which caused massive—massive—tieups on the New Jersey side, all to politically punish the mayor of the community where the George Washington Bridge leads from on the New Jersey side.

Bridgegate amounted to one of the most egregious abuses of political power against everyday New Jersey families in our history. He was sup-

posedly the guy who was making sure there was a rigorous system of monitoring and oversight. Well, I don't know how that happened.

I also have concerns about Mr. Matey's career after working for Governor Christie.

During his time as the senior vice president of University Hospital in Newark, a nationwide investigation gave the hospital an F—F, failure—for patient safety standards. Mr. Matey has acknowledged that while these issues were medical in nature, he did have some personal responsibility to mitigate risks to patients.

Likewise, some of Mr. Matey's writings suggest a hostility toward plaintiff attorneys who help everyday Americans take on powerful corporate interests in class action lawsuits.

In 2005, he authored an article with now-Supreme Court Justice Neil Gorsuch that lamented how the Supreme Court's ruling in *Dura Pharmaceuticals* was a missed opportunity to “curb frivolous fraud claims” and dismissed plaintiff attorneys as seeking “free rides to fast riches.” In other words, Paul Matey saw a very narrow question in the *Dura Pharmaceuticals* case as an opening for the Court to make a sweeping ruling on all securities class actions. Now, that is what you call an activist judge.

Matey then goes on to decry the “enormous toll on the economy” securities fraud litigation takes on corporations but with little concern for the actual victims of security fraud.

Most troubling to me is how Mr. Matey has done zero—I repeat, zero—pro bono work throughout his legal career. His Senate Judiciary questionnaire lacks any record of pro bono representation. When he was asked about it, Mr. Matey claimed his work on behalf of the State of New Jersey satisfied the requirement. I couldn't disagree more. That is not pro bono work. You were paid for it.

Canon 2 of the American Bar Association's Code of Professional Responsibility explicitly emphasizes the importance of pro bono work. For many corporate lawyers, representing the underserved is the only way to witness firsthand how the scales of justice in this country are too often tipped in favor of the wealthy and well connected. Pro bono work helps lawyers cultivate sound judgment and is especially important to those seeking to become Federal judges.

Mr. Matey has done nothing to serve the disadvantaged, and that does not bode well for the fair administration of justice, nor does the Republican majority's disregard for procedures like blue slips bode well for the Senate's constitutional role to provide advice and consent or our responsibility to help build a judiciary that is responsive to the needs of the American people in the courtroom.

For all of these reasons, I urge my colleagues to oppose confirmation of Paul Matey to the Third Circuit Court of Appeals. We are better than this.